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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE

Thursday, 1st February, 2018

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

S U P P L E M E N T A R Y P A C K

1.	MINUTES OF THE PREVIOUS MEETING
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 18 January, 2018 as a correct record.

(Pages 1 - 16)

1.1. **Updates**

Any Updates will be added to the Agenda, as a Supplementary Pack, wherever possible, prior to the meeting.

(Pages 17 - 56)

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Agenda Item 2

Planning, Taxi Licensing & Rights of Way Committee Thursday, 18 January 2018

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 18 JANUARY 2018

PRESENT

County Councillor D R Price (Chair)

County Councillors K Lewis, L V Corfield, L George, H Hulme, E M Jones, H Lewis, I McIntosh, P C Pritchard, K S Silk, D A Thomas, E Vaughan, G I S Williams, D H Williams, J Williams and R Williams

1. APOLOGIES

Apologies for absence were received from County Councillors M.J. Jones, K Laurie-Parry, P Roberts and D Selby. County Councillor P.C. Pritchard was on other Council business and would arrive late and County Councillors L.V. Corfield had advised that she would be late.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meetings held on 7 and 15 December, 2017.

Rights of Way

3. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of the following agenda item.

4. WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53 - PROPOSED DELEGATION OF DECISION-MAKING FOR DEFINITIVE MAP MODIFICATION ORDER CASE – ROUTE FROM BANKSHEAD, SHROPSHIRE TO SHEPHERDSWHIM, POWYS

The Committee received the report from the Senior Manager, Countryside, Contracted and Cultural Services. The Committee noted the options available to it, in respect of how to manage the Definitive Map Modification Order case.

RECOMMENDATION TO COUNCIL	REASON FOR RECOMMENDATION
that the Council delegates the decision making to Shropshire Council, in respect of the section of the claimed route in Powys.	To ensure the timely consideration of the Definitive Map Modification Order case - Route from Bankshead, Shropshire to Shepherdswhim, Powys and also without impacting on other casework that is already in progress in Powys.

County Councillor LV Corfield arrived at the meeting.

Planning

5. DECLARATIONS OF INTEREST

(a) County Councillors R. Williams and K Silk sought advice regarding their membership of the Council for the Protection of Rural Wales [CPRW] which had responded to the application. The Solicitor noted that they were ordinary members of the organisation and advised them that they should declare a personal interest and remain as decision makers for the application.

County Councillor D. R. Price declared a prejudicial interest in application P/2017/1114 because a close personal friend is employed by the applicant.

County Councillor E. M Jones declared a prejudicial interest in application P/2016/0455 because he rented land from and does business with the applicant and a grand-daughter is employed by the applicant. He is also a Church Warden at St Stephens Church, Old Radnor and the church, which is a Grade 1 listed building is mentioned in the report and he is also the Chair of the Liaison Committee.

County Councillor L. George declared prejudicial interests in the following applications:
P/2017/0580 and P/2017/1215 – because applicants are family members
P/2017/0969 – as he is the applicant.

County Councillor G.I.S. Williams declared an interest in P/2016/0455 as he was a customer of the applicant.

(b) County Councillor E.M. Jones requested that a record be made of his membership of Old Radnor Community Council where discussion had taken place of matters for the consideration of this Committee and he took no part in these discussions.

(c) County Councillor E.M. Jones (who is a member of the Committee) declared that he would be acting as 'local representative' in respect of application P/2016/0455.

(d) The Committee noted that no Member (who is not a member of the Committee) would be speaking as the 'local representative' in respect of any application on the agenda.

6. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

The Committee considered the report of the Head of Regeneration, Property and Commissioning (copies filed with the signed minutes).

6.1 Updates

The Members confirmed that they had received and had time to read the update circulated the previous day and prior to the meeting.

6.2 P/2016/0455 Dolyhir and Strinds Quarry, Dolyhir, Old Radnor, Presteigne, LD82RW

Grid Ref:	324385 258094
Valid Date:	25/04/2016
Officer:	Thomas Boothroyd
Community Council:	Old Radnor Community Council
Applicant:	Tarmac Trading LTD
Location:	Dolyhir and Strinds Quarry, Dolyhir, Old Radnor, Presteigne, LD82RW
Proposal:	Proposed northern extension to Dolyhir Quarry: construction of screening landform to the north and west of Dolyhir Quarry; related surface water management ponds and drainage infrastructure; construction of new agricultural access to the public highway and new perimeter agricultural access track; continued use of existing processing and secondary treatment plant at Dolyhir/Strinds Quarry; relocation of washing plant from Dolyhir Quarry to Strinds Quarry during phase 5 of development scheme; diversion of services; continued development of Strinds Quarry in accordance with the current working scheme; implementation of comprehensive restoration strategy; and consolidating of the overall Dolyhir and Strinds Quarry extension area and screening landform into one overall planning unit.
Application Type:	Full Planning Permission

County Councillor E.M. Jones spoke as the local representative and then, having declared a prejudicial interest, left the meeting room.

Councillor R. Burton spoke on behalf of Old Radnor Community Council.

Mr M Law spoke for the applicant.

The Chair advised that he would consider the application under the following headings: principle of development; cultural heritage; landscape and visual impact; ecology; highways and rights of way and any other issues under "catch all".

In response to questions the Planning Officer advised that the phasing of the scheme would be to 2111. The restoration was ongoing and also depended on the rate of extraction. A condition had been recommended which required the

submission of restoration and after care plans if the extraction process ceased. Concerns were raised that there were examples of sites across Powys where restoration and aftercare had not been completed. The Committee considered that if the quarry ceased at any point in time the County Council should not be liable for the restoration and after care costs. In response to questions regarding the ability of requesting a bond from the applicant, the Professional Lead Development Management advised that he was only aware of bonds being requested for coal and wind farm schemes. In addition he advised that recently a bond requested in respect of Garreg Llwyd windfarm was deemed to not be required by the Welsh Government. In response to a question the Planning Officer advised that the applicant had previously carried out acceptable restoration work and complied with restoration plans.

The Planning Officer in response to questions regarding dust monitoring advised that this would be covered under other legislation and be monitored by the Environmental Health Officer. The Profession Lead Development Management advised that although planning should not duplicate other legislation a condition could be added if the Committee was minded to approve the application.

The Committee noted that the £10k contribution made by the applicant to the Authority, referred to by the applicant, was a contribution towards mitigating any impact of the public rights of ways network.

It was proposed and duly seconded to defer consideration to enable officers to consider the issue of securing a bond for the future restoration and aftercare of the site, as the Council had a responsibility to future generations to ensure the environmental and health & safety impact can be dealt with. The Professional Lead Development Management advised that he considered that delegation to him in consultation with the Chair and Vice Chair to agree a suitable Bond where appropriate, which would be secured by a S106 agreement, was an option for Committee to consider. In light of this the proposer and seconder for the deferment agreed to withdraw their proposal.

RESOLVED:	Reason for decision:
<p>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and subject to the addition of a condition in respect of dust monitoring and delegation to the Professional Lead Development Management in consultation with the Chair and Vice Chair to agree a suitable Bond, which would be secured by a S106 agreement in respect of the restoration and aftercare of the site.</p>	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>In order to ensure that sufficient finance is set aside to ensure to enable that restoration obligations are fully achieved.</p>

County Councillors P.C. Pritchard arrived at the meeting. County Councillors P.C. Pritchard and G.I.S. Williams moved to the public area for the next application as they had not previously considered the following application which had been deferred from the meeting on 26 October, 2017.

6.3 P/2017/0571 Land adjoining Brynderw Park Street, Llanrhaeadr Ym Mochnant, Oswestry SY10 0JJ

Grid Ref: 312659.85 326184.17

Valid Date: 18/05/2017

Officer: Eddie Hrustanovic

Community Council: Llanrhaeadr Community Council

Applicant: Mr N Jones, Tanat Valley Developments,
Woolston Bank, Fairfields, Oswestry SY10 8HZ

Location: Land adjoining Brynderw Park Street, Llanrhaeadr Ym Mochnant, Oswestry SY10 0JJ

Proposal: Outline application for residential development for up to 5 dwellings, formation of access road and all associated works

Application Type: Application for Outline Planning Permission

In response to questions the Principal Planning Officer advised that a Welsh Language and Culture mitigation plan would be produced at the time of the development. It could include details of how the developer would promote the Welsh language and culture in the area or provide funding for Welsh classes. The developer would normally consult relevant organisations in the development of the plan.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

County Councillors P.C. Pritchard and G.I.S. Williams resumed their seats in the Committee.

County Councillor L. George having declared a prejudicial interest left the meeting room for the next item.

6.4 P/2017/0580 Land adjacent Tyn y Ddol, Tregynon, Newtown, Powys SY16 3PL

Grid Ref: 309892.84 298237.96

Valid Date: 31/05/2017

Officer: Eddie Hrustanovic

Community Council: Tregynon Community Council

Applicant: Tyn Y Bryn Farms, Tyn y Bryn, Tregynon, Newtown, Powys, SY16 3PJ

Location: Land adjacent Tyn y Ddol, Tregynon, Newtown, Powys, SY16 3PL

Proposal: Outline: Erection of up to 5 dwellings, formation of vehicular access and access road and all associated works

Application Type: Application for Outline Planning Permission

The Highway Officer confirmed that the proposed footpath would link with the current footpath along the road.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

County Councillor L. George resumed his seat in the Committee.

County Councillor D.R. Price having declared a prejudicial interest left the meeting room for the next application. County councillor K. Lewis took the Chair.

6.5 P/2017/1114 Land at Alltmawr, Abernant, Erwood, Powys

Grid Ref: 307147.89 246177.92

Valid Date: 11/10/2017

Officer: Thomas Goodman

Community Council: Erwood Community Council

Applicant: Mr Jones, Oak Villa, Erwood, Builth Wells, Powys

Location: Land at Alltmawr, Abernant, Erwood, Powys

Proposal: Full - Application for the retention of a single affordable dwelling and associated works

Application Type: Application for Full Planning Permission

In response to questions the Highways Authority advised that it could not comment on the safety of the junction to the A470 as this was an issue for the Trunk Road Agency.

RESOLVED:	Reason for decision:
The application be refused.	<p>1. The proposed development constitutes unjustified development in the open countryside contrary to adopted policies on development in the open countryside. The proposed development does not comply with policies HP6, HP7, HP8 and HP9 of the Powys Unitary Development Plan (2010).</p> <p>2. Insufficient information has been provided to properly assess the acceptability of the development as to whether the development will have a detrimental impact upon highway safety. The proposed development therefore does not comply with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note: 18 Transport (2007).</p>

County Councillor D.R. Price returned to the meeting room and resumed the Chair.

6.6 P/2017/1252 Land adjoining Gardeners Barn, Llanthomas Lane, Llanigon, Hereford, HR3 5PU

Grid Ref: 321054.4 240280.57

Valid Date: 26/10/2017

Officer: Thomas Goodman

Community Council: Llanigon Community Council

Applicant: Mr & Mrs RK & PA Bishop, Llanigon, Llanthomas Cottage, Llanthomas Lane, Hereford, HR3 5PU

Location: Land adjoining Gardeners Barn, Llanthomas Lane, Llanigon, Hereford HR3 5PU

Proposal: Outline: Erection of two detached dwellings

Application Type: Application for Outline Planning Permission

The Planning Officer advised that if the Committee was minded to approve the application the conditions were those as detailed in the Update report which included a condition removing permitted development rights.

The Committee noted that a small corner of the site was in the flood zone.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the Update report which is filed with the signed minutes.	As officers recommendation as set out in the update report which is filed with the signed minutes.

County Councillor L George having declared a prejudicial interest left the meeting room for the next item.

6.7 P/2017/0969 Land opposite Cefn y Wern, Pontdolgoch, Caersws, Powys SY17 5NJ

Grid Ref: 300661.43 294136.08

Valid Date: 22/08/2017

Officer: Gemma Bufton

Community Council: Caersws Community Council

Applicant: Mr L George, Pontdolgoch Mill, Pontdolgoch, Caersws, Powys, SY17 5JE

Location: Land opposite Cefn y Wern, Pontdolgoch, Caersws, Powys SY17 5NJ

Proposal: Outline: Proposed residential development of up to 3 dwellings, formation of vehicular access & access road & all associated works (some matters reserved).

Application Type: Application for Outline Planning Permission

The Principal Planning Officer confirmed that the application was now for two dwellings.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the	As officers recommendation as set out in the report which is

conditions set out in the report which is filed with the signed minutes.	filed with the signed minutes.
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County Councillor L George resumed his seat in the meeting.

The Chair agreed to change the order of the agenda to accommodate the public in attendance.

6.9 P/2017/0703 Oaklands, Forden, Welshpool, Powys SY21 8NA

Grid Ref: 323225.64, 301055.76

Valid Date: 21/06/2017

Officer: Bryn Pryce

Community Council: Forden Community Council

Applicant: Mrs L & G Broxton and James Brynderwen, Forden, Welshpool, Powys SY21 8NA

Location: Oaklands, Forden, Welshpool, Powys SY21 8NA

Proposal: Outline application for residential development of up to 9 dwellings, installation of sewage treatment plant and associated works

Application Type: Application for Outline Planning Permission

The Committee raised as a concern the proposal to provide two affordable houses on the development and noted the concerns raised by the Affordable Housing Officer that this level does not meet the Supplementary Planning Guidance. The Professional Lead Development Management advised that the applicant had informed him that he wishes to provide three affordable houses and he recommended that if the Committee was minded to approve the application this level could be added to the conditions.

It was noted that the traffic speed limit on the adjacent B4388 was 60 mph. In response to questions the Highways Authority advised that the appropriate visibility splays for such speeds could not be achieved. As a result the developer had offered to fund a Traffic Regulation Order [TRO] to reduce the speed limit on the road to 40mph.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and subject to the addition of a condition for the	As officers recommendation as set out in the report which is filed with the signed minutes.
	In order to secure an appropriate level of affordable

provision of three affordable houses.	housing.
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6.12 P/2017/1318 Coedbach, Franksbridge, Llandrindod Wells, Powys, LD1 5SA

Grid Ref: 311664.2 256448.52

Valid Date: 10/11/2017

Officer: Kevin Straw

Community Council: Glascwm Community Council

Applicant: Mr M Davies, Coedbach, Franksbridge, Llandrindod Wells, Powys LD1 5SA

Location: Coedbach, Franksbridge, Llandrindod Wells, Powys LD1 5SA

Proposal: Outline: Erection of 2 no. single storey residential dwellings and associated works (all matters reserved).

Application Type: Application for Outline Planning Permission

In response to questions the Highways Authority advised that drainage had improved in the area due to recent maintenance work on the road.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

County Councillor L George, having declared a prejudicial interest, left the room for the next application.

6.14 P/2017/1215 2 Tynybryn Cottages, Tregynon, Newtown, Powys, SY16 3PJ

Grid Ref: 309545.09 297741.08

Valid Date: 19/10/2017

Officer: Luke Jones

Community Council: Tregynon Community Council

Applicant: Mr & Mrs T Jones, 2 Tynybryn Cottages,
Tregynon, Newtown, Powys SY16 3PJ

Location: 2 Tynybryn Cottages, Tregynon, Newtown, Powys
SY16 3PJ

Proposal: Householder: Erection of a two storey extension
and all associated works

Application Type: Householder Application

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

County Councillor L George resumed his seat in the meeting.

The Committee adjourned for lunch at 12.45 p.m. and resumed at 1.15 p.m.

County Councillor E Vaughan left the meeting for other Council business and County Councillor H Hulme left the meeting.

6.8 P/2017/0501 Land at Foundry Lane, Welshpool, Powys SY21 7TR

Grid Ref: 323097.5, 307637.7

Valid Date: 04/05/2917

Officer: Bryn Pryce

Community Council: Welshpool Town Council

Applicant: Wales & West Housing Association St David's
Park, Ty Draig, Ewloe, Deeside CH5 3DT

Location: Land at Foundry Lane, Welshpool Powys SY21
7TR

Proposal: Full: Erection of 8 no. bungalows and 1 no. staff
accommodation unit together with formation of
vehicular access and roadway, parking and all
associated works

Application Type: Application for Full Planning Permission

RESOLVED:	Reason for decision:
that the application be granted	As officers recommendation as

consent, subject to the conditions set out in the report which is filed with the signed minutes.	set out in the report which is filed with the signed minutes.
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6.11 P/2017/1267 Land by Glanaber, Pen y Bont Fawr, Oswestry, Powys, SY10 0PD

Grid Ref: 309035.84 324477.57

Valid Date: 30/10/2017

Officer: Sara Robinson

Community Council: Pen-y-bont Community Council

Applicant: Mr RE Hughes, Parc, Pen y Bont Fawr, Oswestry, Powys, SY10 0PD

Location: Land by Glanaber, Pen y Bont Fawr, Oswestry, Powys, SY10 0PD

Proposal: Outline: Erection of up to 2 dwellings and associated works

Application Type: Application for Outline Planning Permission

In response to questions the Highways Authority advised that it objected to the original application but on receipt of revised plans its objection had been withdrawn.

The Professional Lead Development Management advised that sites for five or more houses were included in the Unitary Development Plan or the Local Development Plan.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

6.15 NMA/2017/0080 Land Adjacent South of Newtown Bowling Club, Back Lane, Newtown, Powys, SY16 2NH

Grid Ref: 310684.23 291656.08

Valid Date: 12/10/2017

Officer: Luke Jones

Community Council: Newtown Town Council

Applicant: Powys County Council

Location: Land Adjacent South of Newtown Bowling Club, Back Lane, Newtown, Powys SY16 2NH

Proposal: Non material amendment to planning permission P/2016/0466 in regards to alterations to the site layout, reducing the size of the windows, revision of the sill height and seek to use a timber & render cladding system in place of brickwork and the addition of a mobility scooter store at the rear of the property

Application Type: Non Material Amendments

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

6.10 P/2017 1154 Land at Swallows Meadow, Castle Caereinion, Welshpool, Powys SY21 9DZ

Grid Ref: 315965.31 305563.63

Valid Date: 11/10/2017

Officer: Sara Robinson

Community Council: Castle Caereinion Community Council

Applicant: Mr David Thomas, D J Thomas Developments Ltd, Dolanog, Ysgubor-y-Wig, Welshpool, Powys, SY21 1AS

Location: Land at Swallows Meadow, Castle Caereinion, Welshpool, Powys, SY21 9DZ

Proposal: Full: Erection of 4 no. dwellings with detached garages, formation of vehicular access roadway and all associated works

Application Type: Application for Full Planning Permission

The Planning Officer advised that this was a new application for the site.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

6.13 P/2017/1112 Site Next to Manteg, Stepaside, Newtown Powys, SY16 4JJ

Grid Ref: 308200.64 289379.51

Valid Date: 04/10/2017

Officer: Karen Probert

Community Council: Mochdre Community Council

Applicant: Mr Emyr Davies, Tynypwll, Llandinam, Powys, SY17 5BQ

Location: Site Next to Manteg, Stepaside, Newtown Powys, SY16 4JJ

Proposal: Outline: Erection of an eco-friendly dwelling (all matters reserved)

Application Type: Application for Outline Planning Permission

The Principal Planning Officer advised that if the Committee were minded to approve the application the conditions were those contained in the Update report.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the Update report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

7.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 7 December, 2017 and 11 January, 2018.

Taxi and other licensing

8. MINUTES OF TAXI REVIEW PANELS

The Chairs presiding at the Taxi Sub-Committees held on 15 August, 2017, 4 October, 2017 and 14 November 2107 were authorised to sign the minutes as correct records.

The Committee noted that a site visit would be undertaken prior to the next Committee meeting on 1 February and due to the large number of applications an extra meeting would be held on 2 March, 2018.

County Councillor D R Price (Chair)

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Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE REPORT

Application No:	P/2016/0397	Grid Ref:	322207.34 244602.32
Community Council:	Clyro Comm	Valid Date:	Officer: 22/02/2017 Tamsin Law
Applicant:	Mr Lloyd JR Lloyd & Son, Lower House Farm, Clyro, Hereford, HR3 5RU		
Location:	Lower House Farm, Clyro, Hereford, HR3 5RU		
Proposal:	Erection of two poultry units, creation of access track, installation of a package treatment plant and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for the update

Additional correspondence has been received from third parties and the Campaign for the Protection of Rural Wales (CPRW). This update also provides further clarification on the historic landscape and Offa's Dyke footpath.

Representations

Further correspondence has been received from four individuals regarding the development. The issues have already been raised in the original report however for the avoidance of doubt these are the issues raised since the publication of the original report;

- Concerns regarding the response received from NRW regarding the impact of the proposed development on white clawed crayfish and ancient woodland
- Concerns regarding the impact of the proposed development on protected species and designated sites (SSSIs and SACs)
- Colour of the proposed building has not been stated
- Concerns over impact on existing tourism enterprises
- Concerns regarding odour and noise and potential impact on health

The following response was received by CPRW on the 25th January 2018

Brecon & Radnor Branch of CPRW object to this application on the following grounds:

- Landscape
- Proximity to neighbours
- Proximity to neighbouring holiday park business
- Failure to consider alternative site
- Unacceptable environmental impacts: Ancient Woodlands, water pollution risks, European Protected Species

These grounds for objection are amplified below. We believe that the application should be refused and appeal to the committee to follow the lead of the Carmarthenshire planning committee in rejecting a poultry unit application with such obvious impacts on near neighbours and the local landscape.

Farm Diversification

CPRW Brecon and Radnor Branch understands the pressures facing small family farms in Powys and the need for on-farm diversification and entirely supports those forms of diversification which seek to minimize impacts on local communities and the environment. This is also the approach recommended for Planning Authorities in Technical Advice Note 6 para. 3.2.1.

However, like many other NGOs, local and national, CPRW Brecon & Radnor is increasingly alarmed at the severity and long-term nature of the environmental impacts of intensive poultry farming, and is aware that these have not to date been given due weight in the planning process, in contravention of the requirements of the Environment (Wales) Act 2016.

Landscape

We are aware that because NRW's remit excludes the assessment of landscape impacts outside the national parks and AONBs, and because Powys does not have an inhouse Landscape Officer, the impact of development on landscape tends to be minimized or overlooked in the determination of intensive poultry applications.

The applicant's LVIA does not make any reference to the fact that this application site lies within the Bryn-yr-hydd character area of the Middle Wye Valley Registered Historic Landscape, a 'diverse and well-preserved Historic Landscape'. [CPAT/CADW1] Key characteristics of this character area are set out as:

"Small medieval nucleated church and castle settlements on valley edge, and medieval and later scattered farmsteads on lower-lying hill land in landscape of small irregular fields, representing gradual encroachment on upland commons... The modern agricultural landscape is dominated by small and irregularly-shaped fields, with lynchet formation on the steeper slopes indicating more widespread cultivation in the past... A pattern of early winding roads, lanes and footpaths links the farms, townships and village centres, many of which are likely to be of medieval origin."

The Registered Historic Landscape and individual character areas within the RHL are described in CPAT Report 420. The purposes of such historic landscape characterization include informing planning decisions, with a view to protecting local distinctiveness and sense of place. We note that while the planning officer has referred to the RHL as a 'principal planning constraint' (page 54 of Officer's Report) she has made no reference to the RHL in her evaluation, has sought no expert guidance, has relied wholly on the applicant's assessment of landscape impacts, and has not noted the discrepancies in design – particularly building materials and external appearance – throughout the application documents.

This area has strong cultural associations with diarist and clergyman Rev. Francis Kilvert, whose full and lively descriptions of the local community and landscapes are still much read today. This additional interest, together with the coherent and distinctive historical character of the landscape and the outstanding visual characteristics of the Middle Wye Valley, contribute to this being a landscape treasured by local people and valued by its very many visitors.

We are surprised that there is no report from either CPAT or the Council's Built Heritage Officer to assist the Planning Officer in understanding the importance of the historic landscape and the proper evaluation of impacts on this landscape. These are very significant omissions and we do not believe the Planning Officer has sufficient information to reach any conclusion on landscape impacts.

The application seeks to place a set of buildings which will have the appearance of a single block 45m by 111m by 5.3m in height at an elevation above a main road into Wales from the midlands. There are also to be large ridge fans and gable end fans, four 7.7m high silos for feed storage, solar panels on the south-facing roofs, large-scale earthworks (no plans for which are included in the application) to create a raised flat plateau for the buildings, a new artificial landform at the eastern end of the development, a large area (7700 sq. m) of hardstanding and substantially widened access from the road. The LVIA states that the buildings will be timber clad with dark grey metal roofs to minimize visual intrusion. (Other application documents state that the buildings will be faced and roofed in juniper green sheet metal, while from Condition 3 it is clear the applicant can decide on the colour of external walls post determination.)

It is argued in the LVIA that the development will be 'an extension of the established agricultural use, which is itself a contributor to the character of the landscape setting'. We consider that the scale and design of the building bears no relation to the traditional agricultural buildings which contribute to local landscape character. The development is also out of scale with more modern farm buildings. The new buildings will not be assimilated into the existing farm complex or into the receiving landscape. Inspector Clarke (APP/W1850/W/16/3162464 Bage Court, Dorstone, appeal refused) said of a significantly smaller poultry building a few miles away in the Golden Valley (19.5m x 76m) 'Due to a combination of its length, enclosed and utilitarian design, and facing materials, it would have an austere industrial appearance' and concluded that 'the appeal proposal would lead to substantial harm to the character and appearance of a valued landscape'. (Note that intensive poultry applications at Bage Court have twice been refused, and both appeals have been dismissed. In her decision (Dec 2015) Inspector Jones also cites the 'industrial' appearance of the buildings and states: 'It is clear to me that the scheme would cause very substantial harm to the character and appearance of the countryside'.)

The LVIA does not, as would be usual, include a photomontage representation of the development. However, the scale of landscape impacts can be seen from similar sheds already built. For a comparable development in the immediate area, see new poultry sheds at Ffordd Fawr Farm (P/2013/1031) on the B4350 between Glasbury and Hay on Wye, dimensions 18 x 109m, which are prominent, and uncompromisingly industrial and jarring, in the landscape from both elevated and valley bottom viewpoints (including the A438 towards Glasbury) across the valley.

We cannot understand the need for the scale of the buildings, the plans for which are identical to P/2016/0069 and P/2015/1001 – both designed to hold 30,500 birds. Logically, it would seem if the applicant intends to house 23,500 birds that the building could be reduced in size by something approaching a quarter, thus reducing its visual impact.

The site is set immediately adjacent to and above the A438, a major tourist route into Wales, the Middle Wye and the Brecon Beacons. The LVIA dismisses impacts on users of the A438. Given the drama of the views from this stretch of the road as the Middle Wye Valley opens up, and the significant visitor use of this road, we consider that the sensitivity of users of the road is underestimated. We believe that for LVIA purposes this road is analogous to the A44, about which Inspector Nixon (APP/T6850/A/13/2198831 Pentre Tump, appeal refused) says: 'I recognise that road travellers are generally classified as visual receptors of low sensitivity. However, the A44 is a principal leisure route into Wales, recognised as having scenic value. Given this, and the volume of use as a principal route, I regard the effects of the development as perceived by users of the A44 as significant'.

While we welcome the applicant's intention to plant new woodland behind the buildings, we can't accept the LVIA argument that the 'existing landscape baseline has a weakened structure' and that the applicant's 'landscape proposals' (which we take to refer to this planting) will 'strengthen some of the landscape elements identified in the LANDMAP assessment as contributing to the landscape setting'. Nor can we accept that this assumed and unevidenced benefit from a planting proposal (which will have no screening effect and cannot reduce actual impacts) can legitimately be used to reduce the reported magnitude of the harmful landscape impacts of the development.

Conclusion: The LVIA does acknowledge that the earthworks and building represent a significant change which will not easily be reversed. However, it omits to mention the Registered Historic Landscape, and understates the sensitivity of the receiving landscape and receptors within that landscape. The LVIA uses unevidenced assumptions to downgrade the magnitude of landscape impacts (see para above). Excessive reliance is placed on hedge and tree planting for screening which will take many years to establish, on the assumed agricultural nature of the building (see Inspector Clarke comments above), and on the use of materials which are not specified elsewhere in the application documents. Design changes to site access, increasing the visual impact and made after the date of the LVIA, have necessarily not been considered. The conclusions of the LVIA are unsound and undervalue both impacts on landscape character and visual impacts. The planning officer has not made an independent evaluation of landscape impacts nor obtained independent expert consultee advice.

This application should be refused on grounds of unacceptable impacts on an important local landscape.

Proximity to neighbours & proximity to neighbouring holiday park business

We will not repeat the arguments which have been made so effectively by local residents but we are very concerned about:

1. the potential for nuisance and harmful health effects from emissions on close neighbours to the development; and

2. the real potential for emissions from the development to damage the business of the Black Mountain View Caravan Park, a long established business which in addition to supporting its owners and family makes a very substantial contribution to the economy of the local area.

The branch wholly supports these objections.

We would also like to point out Carmarthenshire Planning Committee cited breach of the TAN 6 400m recommended separation between livestock units and protected buildings as one of the grounds for their refusal (October 2017) of intensive poultry application E/33695.

Failure to consider alternative site

Schedule 4 Part 1 2 requires 'An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects [our underlining].' We cannot find that this requirement is adequately met within the application. In view of the sensitivity of the site this is an important omission and the applicant should set out environmental reasons for preferring this site to his other landholdings, including Cefn y Blaen Farm.

Similarly the tests applying where there is a potential threat to European Protected Species require an applicant to evidence that there is no 'satisfactory alternative' at the same time as demonstrating that there are 'imperative reasons of overriding public interest' for development. We cannot see that these tests are satisfied.

Unacceptable environmental impacts

Ancient woodlands: Ammonia depositions on almost 2Ha of the adjacent ancient woodland site Gibbons Covert substantially exceed the 100% (of critical level) threshold for nature sites without national or international designation, with a maximum estimated deposition of 707%. Exceedances are also predicted at Wet Covert ancient woodland. Critical Levels are defined as "concentrations of pollutants in the atmosphere above which direct adverse effects on receptors, such as human beings, plants, ecosystems or materials, may occur according to present knowledge".

It is suggested that these exceedances are acceptable because the applicant has proposed additional woodland planting, to the north and to the east of the poultry units. We are advised that tree planting for ammonia screening provides negligible screening benefit for around 15 years while the trees establish. NRW have advised that 1) such planting might reduce ammonia deposition by 25% (once established) and 2) that the applicant's own survey has confirmed no sensitive plant populations on site in Gibbons Covert which would justify the lower critical level of 1% being applied as opposed to the higher critical level of 3%. In spite of this NRW advice the higher critical level would still be substantially exceeded, even when the new woodland planting is established and providing some screening benefit.

Wet Covert does not belong to the applicant so could not be surveyed and no evidence is put forward regarding potential sensitive plant populations which could be adversely impacted by ammonia deposition. The proposed woodland planting (above) will not provide screening for this site.

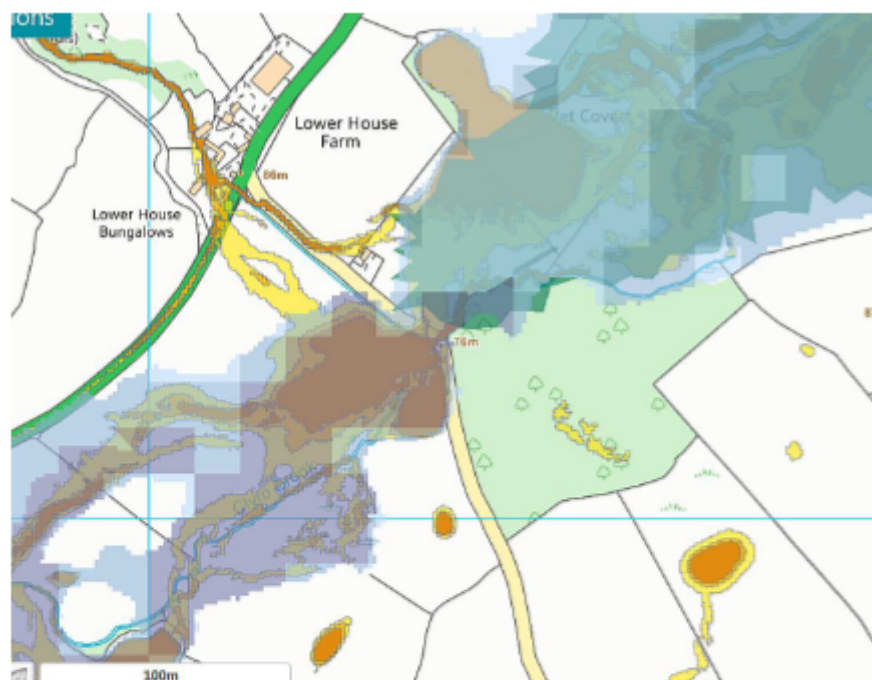
Also adjacent to the site is Radnorshire Wildlife Trust's nature reserve Cwm Byddog, the rarity and sensitivity of which has already been set out in the trust's objection.

We cannot see that the applicant's proposals offer adequate protections for ancient woodland sites, which are likely to be adversely impacted by ammonia depositions.

Ancient woodlands are irreplaceable, uniquely rich and diverse ecosystems. Even felled and replanted ancient woodlands such as Gibbons Covert retain many of the features of ancient woodland whether in existing ground flora or in seed banks and soils and these sites too deserve protection.

We support the objections to this application made by the Woodland Trust and Radnorshire Wildlife Trusts.

Potential water pollution: The flood risk map below is taken from NRW website <https://naturalresources.wales/evidence-and-data/maps/long-term-flood-risk/?lang=en>



The key is set out below:

Flood Information		Reservoir Flood Risk	
—	Flood Defences	■	Risk of Flooding from Reservoirs - Extent
Risk of Flooding from Rivers & Sea		High Surface Water Flood Risk	
Risk of Flooding from Rivers & Sea		■	High Surface Water Flood Risk - Extent
■	High	Medium Surface Water Flood Risk	
■	Medium	■	Medium Surface Water Flood Risk - Extent
■	Low	Low Surface Water Flood Risk	
■	Very Low	■	Low Surface Water Flood Risk - Extent

We have reproduced this map to demonstrate the high likelihood of any uncontained washwater or manure spillages or contaminated runoff from hardstanding or roofs entering the Wye. The flow of floodwaters down the hill past the farm entrance and on towards the Wye SAC, Clyro Brook and also Wet Covert is clear. There will be a tendency for any heavy run off from the roofs and impermeable hardstanding surrounding the buildings to descend

the incline² to the farm entrance and join flood waters, unless there is adequate provision for capture of all rainwater, even in extreme rainfall events.

Construction Management and Pollution Prevention Plans have not been provided. The application contains no detailed plans, or no legible plans, setting out how contaminated waters will be safely captured and stored. We consider that there is insufficient information to demonstrate that pollution of Wet Covert and the Wye SAC can be prevented.

White clawed crayfish:

We note that new information, in particular the County Ecologist's report of 3rd January, has appeared in the Officer's report which has not previously been available to the public. We cannot trace the drainage plans referred to by the Ecologist (possibly due to illegibility of some plans uploaded to the website) and cannot see whether issues such as permeability of hard standing (crushed stone per LVIA) have been adequately resolved.

White clawed crayfish have been reported as found in both the Clyro Brook and Wet Covert. The Ammonia Report sets out that Wet Covert will be exposed to ammonia deposition in excess of 100% of critical load (see above). Proposed new plantings will not provide screening mitigation for Wet Covert. Both Wet Covert and Clyro Brook are in the path of floodwaters descending past the development.

Dr. Fred Slater, consultant ecologist with a long standing interest in and experience of white clawed crayfish has requested that a full survey is required to establish the potential for harmful impacts on white clawed crayfish and/or other protected species in the vicinity of the proposed development. He also points out that to ignore the potential presence of protected and ecologically very important species would contravene law and the purposes of the SAC designation.

The LPAs' duties regarding protected species are set out in PPW9 (Nov 2016):

Protected species

5.5.11 The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat^{32 33 34}. Local planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site concerned, and should consult Natural Resources Wales before granting permission. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the planning decision.

5.5.12 Developments are always subject to the legislation covering European protected species³⁵ regardless of whether or not they are within a designated site. New developments for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive. A derogation³⁶ may only be authorised if there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. The development works to be authorised must be for the purposes of preserving 'public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'³⁷. Derogations are granted by a licence issued by Natural Resources Wales³⁸. Local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities should take the above three requirements for derogation into account when considering development proposals where a European protected species is present.

There is no satisfactory and publically available evidence of adequate drainage plans to eliminate all risk of harmful pollution to water and aquatic populations, if this is even in practice possible.

We cannot see that any resolution has been proposed for the excess (above the critical load) aerial ammonia deposition on Wet Covert as reported in the applicant's ammonia study and cannot see the relevance of comparison to an alternative, entirely hypothetical, source.

Determination of this application should be deferred until the required survey has taken place or the application must be refused on grounds of insufficient information.

We note that Development Management refused planning application P/2016/0881 and grounds for refusal included inadequate information regarding protection of biodiversity. We believe there are very substantial gaps in the ecological information supplied in support of this application – as set out above.

Context: Committee members see only a small minority of the applications for intensive poultry units and may be unaware of the scale of the industry in the county. Please see CPRW Brecon & Radnor webpage http://www.brecon-and-radnor-cprw.wales/?page_id=44 for interactive map depicting poultry units in Powys as at 8/11/2017. The density of poultry units in Powys is now unparalleled in Europe, with approximately 7 million chickens in 200 intensive poultry units³ across the county. In 2015 NRW report 'Powys Pilot Poultry Study' emphasized the need for great care in the assessment of environmental impacts of further applications.

Please

see

<http://mailer.wyeuskfoundation.org/display?e=93d0e66c516f6833c2b314f07d9b2f1f&code=c6ca305a02> for Wye and Usk Foundation News Update 24th January 2017 concerns regarding inadequate protection through the planning system of our rivers and streams.

Conclusion: This application should be refused on the following grounds:

- Unacceptable landscape impacts
- Proximity to neighbours
- Proximity to neighbouring holiday park business
- Failure to consider alternative site
- Unacceptable environmental impacts on Ancient Woodlands
- Inadequate information regarding risk of water pollution
- Inadequate information regarding European Protected Species

The Campaign for the Protection of Rural Wales (CPRW) established in 1928 is Wales' foremost countryside Charity. Through its work as an environmental watchdog it aims to secure the protection and improvement of the rural landscape, environment and the well-being of those living in the rural areas of Wales.

Officer Appraisal

The responses received from third parties as outlined above have already been considered in the original Officer Report.

However further clarification and consideration is provided below on landscape impact and the Offa's Dyke footpath;

Landscape Impact

The impact of the proposed development is considered in detail in the original Committee Report, however Members attention is drawn to policy ENV16: Landscapes, Parks and Gardens of Special Historic Interest. This policy states that during consideration of development proposals, the protection of the special historic interest of historic landscapes will be sought.

The site lies within the Middle Wye Valley Registered Historic Landscape and the key characteristics are stated as follows;

“Small medieval nucleated church and castle settlements on valley edge, and medieval and later scattered farmsteads on lower-lying hill land in landscape of small irregular fields, representing gradual encroachment on upland commons... The modern agricultural landscape is dominated by small and irregularly-shaped fields, with lynchet formation on the steeper slopes indicating more widespread cultivation in the past... A pattern of early winding roads, lanes and footpaths links the farms, townships and village centres, many of which are likely to be of medieval origin.”

Cadw are the statutory consultee for development within a registered historic landscape and were duly consulted. In their response they offer no objection to the impact of the proposed development on the historic landscape.

The proposed development is grouped with the existing building at Lower House Farm, does not seek to change field boundaries or any existing highways, roads, lanes or footpaths. These are characteristics of the Historic Landscape which will not be altered by the proposed development.

In terms of the proposed development it is relatively low lying, being 5.3 metres to the ridge with a maximum height of 7.7 metres for the feed silos. Whilst concern has been raised over the final colour of the building, Members attention is drawn to the condition on the original report which requires the submission of this information prior to the construction of the building. As such, only colours that would be acceptable in terms of landscape and visual impact will be considered acceptable. Additional landscaping is also proposed which will aid in the screening of the development.

As such, it is considered that the proposed development, grouped with the existing farm buildings, would not have a detrimental impact on the character of the historic landscape.

In looking at the impact of the proposed development cumulatively with other buildings in the area, little development in the terms of large scale agricultural buildings have occurred and the grouping of the proposed development with the existing farm buildings along with the proposed landscaping would aid in assimilating the development into the landscape. It is considered that the proposed development does not cumulatively with other buildings have a detrimental impact on the landscape.

The Powys Unitary Development Plan through policy EC9 seeks to ensure that the harm from new agricultural buildings is minimised through sensitive design and siting. Guidance within EC9 suggests that wherever possible, new buildings should be grouped with existing buildings and utilise materials which are sympathetic to the site's surroundings. Whilst Officers acknowledge that the proposed poultry development represents a substantial addition to the rural landscape, given the proposed grouping, it is considered that whilst the development would have an impact on the surrounding landscape, and particularly from the adjacent road.

In light of the above, taking into consideration the landscape impact along with the proposed landscaping, Officers consider that on balance, the application is in accordance with the relevant policies.

Offa's Dyke Footpath

For the purposes of clarification Officers would draw Members attention to the fact that part of the Offa's Dyke long distance right of way is included within the Landscape and Visual Impact Assessment. The Zone of Theoretical Visibility identifies that the development would be visible from a short section of the Offa's Dyke. The Offa's Dyke lies approximately 690 metres to the east of the proposed development.

Officers consider that whilst the development will be visible, this will be over a distance of approximately 690 metres and the development will be viewed as grouped with the existing farm buildings. The implementation of the landscaping will also aid in reducing the visibility of the proposed development from the Offa's Dyke.

In terms of the cumulative impact of the proposed development on tourism and rights of way, as stated above little development of large scale or intensive agricultural buildings have been permitted in proximity to the site.

RECOMMENDATION

Development Management considers that the proposed poultry development is compliant with planning policy. On this basis, the recommendation is one of consent subject to the conditions outline in the original report.

All information submitted with the application, including the Environmental Statement have been considered.

Case Officer: Tamsin Law- Principal Planning Officer
Tel: 01597 82 7230 E-mail:tamsin.law@powys.gov.uk

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Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE

Application No:	P/2017/0444	Grid Ref:	311018.6 312889.79
Community Council:	Llangyniew	Valid Date:	Officer: 24/04/2017 Eddie Hrustanovic
Applicant:	Mr & Mrs N Proudlove & K Proudlove-Banks 56 Warrane Road, North Willoughby NSW 2068 Australia, 29 Camp Road, Phoenix New York 13135 USA		
Location:	Land adj Lon-Yr-Ywen, Pontrobert, Powys, SY22 6JT		
Proposal:	Outline: Proposed residential development of up to 5 no. dwellings, formation of vehicular access and associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Update

This report forms as an update to the previous report circulated to Members. Additional comments/representations have been received from the objectors following publication of officers' report.

Representations

Additional comments have been received the objectors which relate to the content of the Committee Report. In summary, the comments relate to;

- The objectors state that out of nine plots two are still vacant and have been for over 7/8 years. The roadway is still not finished, and never been tarmacked.
- In respect of the Highways conditions/comments, the objectors note that it will be physically impossible to construct a roadway for the first 15 metres to width specifications. The 5 metre width requirement could be achieved over the first 12 metres by using 3rd party land and after that it would encroach upon the curtilage of number 8 Lon Yr Ywen.
- The Objectors contest statement made by Powys Land Drainage Officer in respect of the existing drainage ditch, and they deny that they have dug a drainage ditch at the back of their properties that discharged water on to the public highway. They state that the original developer/builder by agreement with the then land owner of the fields arranged for the ditch to be dug. Unfortunately, the ditch that was dug behind number

3 Lon Yr Ywen partially collapsed. When the owner of that site moved in he paid for it to be reinstated as his land was being flooded. The objectors also state that Land Drainage Authority (PCC) did not enforce original drainage requirements for the estate, which now cause issues.

- The objectors state that if this development is permitted, that the authority carries out enforcement procedures in strict accordance with any requirements placed on any developer.
- The objectors note that it will not be possible to reinstate any ground to its original appearance should an attenuation tank ever be installed. Physically the site would have to be excavated to quite some depth and being on a hill there would inevitably be a prominent scar in the hillside. Access and maintenance would dictate that the buffer field would never be the same.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)
TAN 1 - Joint Housing Land Availability Studies (2015)
TAN 2 - Planning and Affordable Housing (2006)
TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)
TAN 12 - Design (2016)
TAN 18 - Transport (2007)
TAN 20 - Planning and the Welsh Language (2017)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape

UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV14 - Listed Buildings
UDP ENV17 - Ancient Monuments and Archaeological Sites
UDP TR2 - Tourist Attractions

Powys Residential Design Guide

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Additional comments/representations

In relation to the additional comments received it is accepted that there are two remaining plots which have not been fully developed and contain footings/slab levels.

In respect of the highways issues, Powys Highways have issued relevant conditions which are attached to the planning permission in accordance with the submitted plans. Public representations have raised issues in respect of land ownership of the access route leading from the existing estate road to the site and inability to construct the access as per conditions. The objectors note that the applicant does not have legal rights of way to the site via the proposed route and that access will encroach onto 3rd party land. These comments are noted, however it is important to note that legal issues of land ownership cannot be resolved via planning process and these are legal issues between the relevant owners outside planning procedures and the Local Planning Authority cannot get involved in this instance.

In respect of Land Drainage, it is important to note that PCC Land Drainage Officer has advised that they have no objection to the development and therefore Development Management is satisfied that the surface water disposal system can be accommodated at the site as indicated on the revised plans subject to conditions. Therefore it is considered that the proposed development is in accordance with UDP Policy DC13. Planning Department holds no evidence in respect of drainage ditches have not been constructed as per approved development.

Members should note that this is outline planning application and that reserved matters application can contain detailed drawings indicating land/topographical cross sectional levels/drawings.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same as set out in the original report. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies.

The recommendation is therefore one of conditional approval subject to conditions as specified below;

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the unclassified highway (drawing no: RPP/TW-JOB18-03 Rev E).

5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

6. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. Upon the submission of Reserved Matters referred to within Condition 1 and 2, full engineering details and drawings for the provision and protection of all existing and proposed land drainage systems shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include arrangements for the surface water drainage of the site, the design for which shall follow Welsh Government's non-statutory standards for sustainable drainage in Wales, to include a management and maintenance plan for the lifetime of the

development and shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of these land drainage and surface water systems throughout their lifetime. The scheme to be submitted shall show foul drainage being connected to the public sewerage system. The development shall only take place in accordance with these agreed details and be fully completed before any dwellings are occupied.

8. Upon the submission of the reserved matters referred to within Conditions 1 and 2, the landscaping details shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

10. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

11. Any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

12. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

13. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

14. Before any other development commences clear visibility shall be maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the U2988 road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

15. No other development shall commence until the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous

macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

16. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

17. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

18. The width of the access carriageway, shall be not less than 5.0 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

19. All access to the development hereby permitted shall be gained via the existing private driveway. No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway for as long as the development remains in existence.

20. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

21. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

22. No storm water drainage from the site shall be allowed to discharge onto the county highway.

23. The mitigation measures in section 4.3.2 of the Ecological Appraisal report produced by Turnstone Ecology Limited dated October 2017 shall be adhered to and implemented in full and maintained thereafter.

24. Prior to commencement of development a Tree Protection and Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

25. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

26. Prior to commencement of development works, a method statement in respect of Reasonable avoidance measures for reptiles and amphibians during the construction phase of the proposal shall be submitted to the Local Planning Authority and shall be implemented as approved. The method statement shall include detail of timing of works, biosecurity and methods of trapping and relocating.

27. Prior to occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation of measures shall be submitted to and approved in writing by the local planning authority. The measures to support the Welsh Language and Culture shall be implemented as agreed.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
6. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
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8. To ensure a satisfactory and well planned development, to ensure protection is afforded to mature trees on the southern boundary of the site and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
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10. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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23. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
24. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
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27. To comply with the Powys County Council UDP Policy GP5 and Technical Advice Note 20: Planning and the Welsh Language (2017).

Notes

Land Drainage - The erection of any proposed surface water drainage outfall structure to effect an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be found at: <http://www.powys.gov.uk/en/roads-transport-and-parking/ordinary-watercourses-applying-for-consent-for-works/>.

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UPDATE REPORT

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1224	Grid Ref:	311796.7 228228.31
Community Council:	Llangors	Valid Date:	Officer: 20/10/2017 Thomas Goodman
Applicant:	Mr & Mrs R & J Gunney, Arrah Lodge, Llanfihangel Talylyn, Llangorse, Brecon, LD3 7TP		
Location:	Land adjoining Arrah Lodge, Llanfihangel Tal y Llyn, Llangorse, Brecon, LD3 7TP		
Proposal:	Outline application (with all matters reserved) for erection of a dwelling, detached garage and all associated works		
Application Type:	Application for Outline Planning Permission		

UPDATE REPORT

Officer Appraisal

From reviewing the original report it is considered that the reason for refusal has not been appropriately clarified within the Officer Appraisal section. This update report is aimed at addressing this issue.

Whilst accepting the considerable weight that needs to be given to increasing the housing land supply and that weight should also be given to the personal circumstances given in the confidential report, it is Development Managements opinion that distance between the application site and the settlement (approximately 320 metres) means that the proposed development is not well integrated with the settlement and would therefore constitute unjustified development in the open countryside. As supported by a recent appeal decision, it is Development Managements opinion that this isolated development, away from the built form of a settlement should be resisted to protect the character of the open countryside.

Within the 'Appearance, Layout and Scale' section of the original report, Development Management incorrectly stated that 'the application site is capable of accommodating a single dwelling without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties'. Whilst accepting that the site can accommodate a dwelling and still safeguard the amenities of the occupants of the neighbouring properties, it is Development Managements opinion that given the distance from the settlement, which is not dispersed in nature, the creation of a new isolated dwelling away from the built form of a settlement would have an adverse impact on the character of the area and should be resisted to protect the character of the open countryside.

With regards to sustainability, the planning agent since the publication of the report has asked for clarification as to whether 'sustainability' forms part of the reason for refusal. Whilst Development Management always requests that the Planning Committee carefully considers this issue, it is not considered to justify refusal in this instance given the sites proximity to nearby settlements where a selection of services and facilities are located.

Recommendation

Whilst weight has been given to the need to increase the housing land supply and to personal circumstances, it is Development Managements opinion that the distance between the application site and the settlement means that the proposed development is not integrated with the settlement and would therefore constituted unjustified development in the open countryside.

1. The proposed development constitutes unjustified development in the open countryside contrary to adopted policies on development in the open countryside. The proposed development does not comply with policies HP6, HP7, HP8 and HP9 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).

Case Officer: Thomas Goodman- Planning Officer
Tel: 01597 827655 E-mail:thomas.goodman@powys.gov.uk

By virtue of paragraph(s) 12 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Planning, Taxi Licensing and Rights of Way Committee Report

UPDATE

Application No:	P/2017/0444	Grid Ref:	311018.6 312889.79
Community Council:	Llangyniew	Valid Date:	Officer: 24/04/2017 Eddie Hrustanovic
Applicant:	Mr & Mrs N Proudlove & K Proudlove-Banks 56 Warrane Road, North Willoughby NSW 2068 Australia, 29 Camp Road, Phoenix New York 13135 USA		
Location:	Land adj Lon-Yr-Ywen, Pontrobert, Powys, SY22 6JT		
Proposal:	Outline: Proposed residential development of up to 5 no. dwellings, formation of vehicular access and associated works (some matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Update

This report forms as an update to the previous report circulated to Members. Additional comments/representations have been received from the objectors following publication of officers' report.

Representations

Additional comments have been received the objectors which relate to the content of the Committee Report. In summary, the comments relate to;

- The objectors state that out of nine plots two are still vacant and have been for over 7/8 years. The roadway is still not finished, and never been tarmacked.
- In respect of the Highways conditions/comments, the objectors note that it will be physically impossible to construct a roadway for the first 15 metres to width specifications. The 5 metre width requirement could be achieved over the first 12 metres by using 3rd party land and after that it would encroach upon the curtilage of number 8 Lon Yr Ywen.
- The Objectors contest statement made by Powys Land Drainage Officer in respect of the existing drainage ditch, and they deny that they have dug a drainage ditch at the back of their properties that discharged water on to the public highway. They state that the original developer/builder by agreement with the then land owner of the fields arranged for the ditch to be dug. Unfortunately, the ditch that was dug behind number

3 Lon Yr Ywen partially collapsed. When the owner of that site moved in he paid for it to be reinstated as his land was being flooded. The objectors also state that Land Drainage Authority (PCC) did not enforce original drainage requirements for the estate, which now cause issues.

- The objectors state that if this development is permitted, that the authority carries out enforcement procedures in strict accordance with any requirements placed on any developer.
- The objectors note that it will not be possible to reinstate any ground to its original appearance should an attenuation tank ever be installed. Physically the site would have to be excavated to quite some depth and being on a hill there would inevitably be a prominent scar in the hillside. Access and maintenance would dictate that the buffer field would never be the same.

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)
TAN 1 - Joint Housing Land Availability Studies (2015)
TAN 2 - Planning and Affordable Housing (2006)
TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)
TAN 12 - Design (2016)
TAN 18 - Transport (2007)
TAN 20 - Planning and the Welsh Language (2017)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape

UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV14 - Listed Buildings
UDP ENV17 - Ancient Monuments and Archaeological Sites
UDP TR2 - Tourist Attractions

Powys Residential Design Guide

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Additional comments/representations

In relation to the additional comments received it is accepted that there are two remaining plots which have not been fully developed and contain footings/slab levels.

In respect of the highways issues, Powys Highways have issued relevant conditions which are attached to the planning permission in accordance with the submitted plans. Public representations have raised issues in respect of land ownership of the access route leading from the existing estate road to the site and inability to construct the access as per conditions. The objectors note that the applicant does not have legal rights of way to the site via the proposed route and that access will encroach onto 3rd party land. These comments are noted, however it is important to note that legal issues of land ownership cannot be resolved via planning process and these are legal issues between the relevant owners outside planning procedures and the Local Planning Authority cannot get involved in this instance.

In respect of Land Drainage, it is important to note that PCC Land Drainage Officer has advised that they have no objection to the development and therefore Development Management is satisfied that the surface water disposal system can be accommodated at the site as indicated on the revised plans subject to conditions. Therefore it is considered that the proposed development is in accordance with UDP Policy DC13. Planning Department holds no evidence in respect of drainage ditches have not been constructed as per approved development.

Members should note that this is outline planning application and that reserved matters application can contain detailed drawings indicating land/topographical cross sectional levels/drawings.

Other Legislative Considerations

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

Recommendation

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same as set out in the original report. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies.

The recommendation is therefore one of conditional approval subject to conditions as specified below;

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the unclassified highway (drawing no: RPP/TW-JOB18-03 Rev E).

5. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

6. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. Upon the submission of Reserved Matters referred to within Condition 1 and 2, full engineering details and drawings for the provision and protection of all existing and proposed land drainage systems shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include arrangements for the surface water drainage of the site, the design for which shall follow Welsh Government's non-statutory standards for sustainable drainage in Wales, to include a management and maintenance plan for the lifetime of the

development and shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of these land drainage and surface water systems throughout their lifetime. The scheme to be submitted shall show foul drainage being connected to the public sewerage system. The development shall only take place in accordance with these agreed details and be fully completed before any dwellings are occupied.

8. Upon the submission of the reserved matters referred to within Conditions 1 and 2, the landscaping details shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

10. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

11. Any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

12. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

13. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

14. Before any other development commences clear visibility shall be maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the U2988 road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

15. No other development shall commence until the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous

macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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18. The width of the access carriageway, shall be not less than 5.0 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

19. All access to the development hereby permitted shall be gained via the existing private driveway. No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway for as long as the development remains in existence.

20. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

21. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

22. No storm water drainage from the site shall be allowed to discharge onto the county highway.

23. The mitigation measures in section 4.3.2 of the Ecological Appraisal report produced by Turnstone Ecology Limited dated October 2017 shall be adhered to and implemented in full and maintained thereafter.

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26. Prior to commencement of development works, a method statement in respect of Reasonable avoidance measures for reptiles and amphibians during the construction phase of the proposal shall be submitted to the Local Planning Authority and shall be implemented as approved. The method statement shall include detail of timing of works, biosecurity and methods of trapping and relocating.

27. Prior to occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation of measures shall be submitted to and approved in writing by the local planning authority. The measures to support the Welsh Language and Culture shall be implemented as agreed.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
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24. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
25. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
26. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
27. To comply with the Powys County Council UDP Policy GP5 and Technical Advice Note 20: Planning and the Welsh Language (2017).

Notes

Land Drainage - The erection of any proposed surface water drainage outfall structure to effect an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be found at: <http://www.powys.gov.uk/en/roads-transport-and-parking/ordinary-watercourses-applying-for-consent-for-works/>.

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Planning, Taxi Licensing and Rights of Way Committee Report

Application No: P/2017/1317

Grid Ref: 289260.79
292298.39

Community Council: Trefeglwys

Valid Date: 10/11/2017
Officer: Luke Jones

Applicant: Mr + Mrs W + J Davies, Pantygamallt, Staylitttle, Llanbrynmair, Powys, SY19 7BU

Location: Pantygamallt, Staylitttle, Llanbrynmair, Powys, SY19 7BU

Proposal: Outline - Erection of dwelling, garage and associated works (some matters reserved)

Application Type: Application for Outline Planning Permission

Report Update

This report forms an update to the previous report circulated to Members.

Consultee Response

Natural Resources Wales

Foul Drainage

We note installation of a package treatment plant has been proposed for this development.

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website <https://naturalresources.wales/permits-and-permissions/water-discharges/?lang=en>

Officer Appraisal

Foul Drainage

Within the officers report it was noted that a response from Natural Resources Wales had not been received at the time of writing the report. However a response has now been received, NRW do not object to the proposed development but have made the applicant aware of relevant information regarding package treatment plants and discharging to an existing watercourse.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

RECOMMENDATION

Whilst the proposal is a departure from the development plan, the Council's current lack of housing land supply carries considerable weight in favour of this development and given that the proposal would otherwise comply with development plan and national planning policies, the recommendation is one of conditional consent.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXX in so far as the extent of the application site is drawn.
5. Prior to the occupation of the dwelling any entrance gates shall be set back at least 5.5 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
6. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.
7. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the

access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

8. Prior to from the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

9. Prior to the occupation of the dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

10. The width of the access carriageway constructed shall be not less than 5.5 metres for a minimum distance of 5.5 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

11. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

12. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

13. Upon formation of the visibility splays, the centreline of any new or relocated hedge/fence/wall should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

14. No storm water drainage from the site shall be allowed to discharge onto the county highway.

15. Prior to the first installation of any external lighting a a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4
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14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
15. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

Case Officer: Luke Jones- Planning Officer
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